

U. S. BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA

**ABINGDON CALENDAR - OCTOBER 19, 2005**

(The Honorable William F. Stone, Jr. Presiding)

(Start: \_\_\_\_\_ Recess: \_\_\_\_\_ ♦Resume: \_\_\_\_\_ Stop: \_\_\_\_\_ ♦Trials: \_\_\_\_\_ Proceedings \_\_\_\_\_)

Attys:                      Debtors:    Case Nos.:                      Trustees:

**9:30 A. M. - PRE-TRIAL CONFERENCES IN COURTROOM**

Farthing	RODNEY & RACHEL SHORTT AP 05-07062: Recover Money or Property, <i>cont from</i> 7/6 Wm. E. Callahan Jr Trustee (Farthing) v. Gary Stratton (Copeland) –Certif of service filed 5/25; # 8 <u>Answer of defendant filed 6/10 #9</u> <u>Defendant interrogatories/request for documents to Pltf filed 6/22; #10</u>	04-01254	Callahan/SJ
Lamie	THOMAS AND ELLEN VAN DYKE A/P 04-07121 dischargeability (523); Amended Complaint filed 6/20 #15(added additional party defendant * ( <i>Final Pre-Trial cont from</i> 8/17) Carolyn Foglesong(J. Jessee) v. Debtors (Lamie) & *Highlands Union Bank <u>Answer of Debtor/defendant to Amended Complaint filed 7/8; # 17 (Lamie)</u> <u>Answer of Highlands Union Bank to Amended Complaint filed 7/8 # 18 (Hutton)</u> <u>Amended Answer to Amended Complaint filed 8/22 #27(Lamie)</u>  <u>Motion of Highlands Union Bank to Dismiss Complaint filed 7/22; # 19 (Hutton)</u> Letter dated 9/8 filed by HUB (Hutton) #28 Motion for Summary Judgment filed by Debtor 9/20, #29, 30	04-03479	Vogel/LM
Shankman	TIMOTHY BOTTOMLY A/P 05-07144: 426 (Dischargeability 523) Larowe and Company P.L.C (Jackson) vs Debtor <i>10/17: Shankman's office contacted chambers to advise that an agreed order prepared by Thomas Jackson resolving the AP is circulating. Mr. Callahan is in agreement and will be returning the order endorsed to Mr. Shankman's office this week. Shankman's office advised there is no need for appearances by the parties.</i>	05-72110	Callahan/SO

**ABG 10/19 WFS**

**9:30 A. M. - PRE-TRIAL CONFERENCES IN COURTROOM**

Carroll	RUSSELL MUSICK	04-02717	Callahan/VS
	A/P 05-07145: 426 (Dischargeability 523)		
	Debtor vs Melissa Musick		
	Defendant Motion to Dismiss filed 9/29 #4,5 (Lamie)		

Lawson	LAMBERT OIL CO, INC.	03-01183	Callahan/GR
	A/P 04-07135; 454 Recover Money/Property		
	<i>Amended Complaint filed on 9/27 adding party defendant S&amp;T Investment Co. LLC</i>		

Jesse, C	GENERAL CREATIONS, INC	03-1782	Callahan/GR
	AP 05-07092: Recover Money/Property - <i>cont from 9/21</i>		
	Wm E Callahan Jr Trustee (Farthing) v. Brian Moore (Shortridge)		
	<u>Answer</u> filed 10/4 #11		
	<i>Motion to Dismiss &amp; Affirmative Defenses</i> filed 10/4 #11, scheduled 11/22 @9:30		

AP 05-07093: Recover Money/Property- *cont from 9/21*  
Wm E Callahan Jr Trustee (Farthing) v. James Adair (Shortridge)  
Answer filed 10/4 #12  
*Motion to Dismiss & Affirmative Defenses* filed 10/4 #12, *scheduled 11/22 @9:30*

AP 05-07094 Recover Money/Property -cont from 9/21  
Wm E Callahan Jr Trustee (Farthing) v. Kenneth Russell Jr (Shortridge)  
Answer filed 10/4 #12  
*Motion to Dismiss & Affirmative Defenses* filed 10/4 #12, scheduled 11/22 @9:30

AP 05-07095: Recover Money/Property-*cont from 9/21*  
Wm E Callahan Jr Trustee (Farthing) v. Brand Enderie(Shortridge)  
Answer filed 10/4 #12  
*Motion to Dismiss & Affirmative Defenses* filed 10/4 #12, *scheduled 11/22 @9:30*

AP 05-07097: Recover Money/Property -cont from 9/21  
Wm E Callahan Jr Trustee (Farthing) v. Citizens Bank(Kieffer)  
Answer filed 9/22 #8

AP 05-07098: Recover Money/Property *cont from 9/21*  
Wm E Callahan Jr Trustee (Farthing) v. State of Franklin Leasing Corp ( )

**ABG 10/19 WFS**

**9:30 A. M. - PRE-TRIAL CONFERENCES IN COURTROOM**

Jesse, C      GENERAL CREATIONS, INC (cont)      03-1782      Callahan/GR

AP 05-07099: Recover Money/Property *cont from 9/21*  
Wm E Callahan Jr Trustee (Farthing) v. Knobbe Martens Olson &  
Bear, LLP (      )

AP 05-07100: Recover Money/Property *cont from 9/21*  
Wm E Callahan Jr Trustee (Farthing) v. Johnson & Associates(Maxwell)  
Answer filed 8/16 #6 (Maxwell)

AP 05-07101: Recover Money/Property *cont from 9/21*  
Wm E Callahan Jr Trustee (Farthing) v. 200 Fifth Avenue Associates(      )

AP 05-07102: Recover Money/Property *cont from 9/21*  
Wm E Callahan Jr Trustee (Farthing) v. FPF, Inc. (      )

AP 05-07103: Recover Money/Property *cont from 9/21*  
Wm E Callahan Jr Trustee (Farthing) v. Corporate Skies, Inc(      )

AP 05-07104: Recover Money/Property *cont from 9/21*  
Wm E Callahan Jr Trustee (Farthing) v. GE Global Exchange Serviced(      )

Jesse, C      GENERAL CREATIONS, INC (cont)      03-1782      Callahan/GR  
Application for Administrative Expenses filed 8/26 #72 by Johnson &  
Associates (King)  
*Ord entered 10/3 withdraws request for Allowance of Administrative Expense #11*

**ABG 10/19 WFS**

**10:00 A. M. - PRE-TRIAL CONFERENCES IN COURTROOM**

Money	REBA ATKINS	05-71290	Vogel/NS
<p>AP 05-07082: Det. Dischargeability, <i>cont from 8/17 and 9/7</i> Debtor v. U. S. Dept of Education( Eckert), <i>cont from 9/7</i> US Dept of Ed.'s Motion to Dismiss A/P (Eckert) filed 8/1 #4,5, <i>cont from 9/7</i> Defendant's Motion to Dismiss Adversary filed 8/1, <i>cont from 9/7</i> Memorandum Brief in Support of Dismissing Motion to Dismiss filed 10/7 #18 <b><i>Order continuing PTC to 11/22 @ 10:00 entered on 10/13</i></b></p> <p>A/P 05-07083- Dischargeability, <i>cont from 9/7</i> Debtor vs Wytheville Community College Motion for Default Judgement filed 9/21 #13</p>			

**10:00 A. M. - MISCELLANEOUS**

Money	JOSEPH ROZICK	05-71996	Jessee/NS
<p>UST Motion to Dismiss <i>for Substantial Abuse</i> (707(b)) filed 8/19 #7 (Guzinski)</p> <p>UST Motion to Extend Issuance of Discharge and Deadline for Motion to Dismiss filed 8/19 #8 (Guzinski) <b><i>10/17 - Guzinski contacted Chambers to advise he will contact opposing counsel and tender an agreed order setting forth the discovery deadline and PTC hearing date or in the alternative TCC with Guzinski (857-2699).</i></b></p>			
Largen	JEFFREY AND LEAH PADGETT	05-72294	Vogel/NS
<p>Motion to Extend Issuance of Discharge <i>to 10/19/05</i> filed 9/8 #16 by UST (Guzinski) <b><i>Order ent 10/7 extends issuance of discharge to 10/19 and grants UST Motion</i></b></p>			
Largen	WILLIAM AND REGINA TOWLER	05-73411	Wick/SO
<p>Motion for Relief filed 9/29, #12, 13 by Citifinancial Auto Corp. (Zimm)</p>			
Lamie	RANDAL AND JUDY CURREY	05-72152	Callahan/SJ
<p>Motion to Dismiss case for Substantial Abuse filed on 8/29 #9 by UST (Guzinski)</p> <p><b><i>10/17 - Guzinski contacted Chambers to advise he will contact opposing counsel and tender an agreed order setting forth the discovery deadline and PTC hearing date or in the alternative schedule a TCC with Guzinski (857-2699).</i></b></p>			

**ABG 10/19 WFS**

**10:00 A. M. - MISCELLANEOUS**

Copeland	DAVID AND SUSAN ROBINS	05-70920	Callahan/S
	Motion to Compel UST to answer Discovery Requests filed 9/2 #54,55 <i>cont from 9/21</i>		
	<u>Response</u> filed 9/19 #61		
Copeland	FRANKLIN J. SUTHERLAND	01-03593	Callahan/NS
	Motion to Sell Free and Clear of Liens and shortening the notice of a proposed Sale and Hearing filed 10/4, #199, 202		
Jessee J	CHRISTIAN MOORE	05-72899	Callahan/NS
	Motion to Avoid Lien: CitiFinancial filed 8/31 #11,12, <i>cont from 9/21</i>		
	2 <sup>nd</sup> Motion to Avoid Lien: CitiFinancial filed 9/23 #16		
Jessee J	JOSEPH AND BRENDA VARNEY	05-73276	Wick/LM
	Motion for Relief filed 9/26 #6 by Mortgage Lenders Network, USA (Bierman)		
Hutchinson	DAVID HONAKER	05-72795	Callahan/NS
	Motion for Relief filed 9/20 #8,10, <b>11</b> by HSBC Auto Finance (Epps)		
	<b><i>Default order entered 10/13 grants motion for relief #13</i></b>		
Hutchinson	MICHAEL L. AND STELLA HOKE	05-73558	C Jessee/SJ
	Motion for Relief filed 9/21, #7, 8, 10 by Daimler Chrysler Services (Higgs)		
	<b><i>Ord entered 10/4 Granted Relief by default</i></b>		
Carmody	JONATHAN WOOD AND JENNIFER BREWSTER	05-73522	C Jessee/S
	Motion for Relief filed 9/21 #7,10 by Daimler Chrysler Services (Higgs)		
	<b><i>Order granting motion entered 10/4 #13</i></b>		
Jackson	ANGELA MARTIN	05-73339	Wick/AF
	Motion for Relief filed 9/26 #7,10 by Daimler Chrysler (Higgs)		
	<b><i>Ord entered 10/12 grants Motion for Relief</i></b>		

ABG 10/19 WFS

10:00 A. M. - MISCELLANEOUS

Hutton	DOUGLAS AND SHIRLEY WILDER	05-73719	Callahan/VS
	Motion for Relief filed 9/30 #7 by Wells Fargo Bank (Sasser)		
	<i>Note: hearing notice less than 20 days - pre-hearing order not entered</i>		

Beck	ANTAEUS TECHNICAL SERVICES, INC.	99-02114	Copeland/VS
	Trustee Motion to Consider approval of proposed asset sale procedures and bidding requirement and Motion to shorten notice filed 10/4, #549, 550		
	<i>Note: Trustee Motion to Approve Sale scheduled 12/7 @ 10 AM in Abingdon</i>		

**11:00 A. M. - MISCELLANEOUS**

Hastings	FIVE FORTY PARK CORPORATION	03-04746	DIP/JJ
	Motion to Approve Sale (DR's Motion for an Order Establishing Competitive Bidding Procedures) filed 10/4, #285		
	<u>Response</u> filed 10/5 #286		

**1:00 P. M. - CONFIRMATIONS**

Snodgrass	HARRY PAULEY JR	05-70580	Callahan/GR
	Plan filed 7/7; # 12 in converted case; conf ntc 7/8; # 14		

Hutchinson	CHARLES & ANGEL MUTTER	05-72560	Widener/SL
	Plan filed 7/1; # 3, 5		
	Valuation: Chrysler Financial filed 8/25 #12		

Via	TINA COLEMAN	05-70332	Widener/AF
	Amended Plan filed 8/26 #40		
	Trustee Report and Show Cause <i>cont from 8/17</i>		

Snodgrass	CLAYTON & TAMARA STEVENS	05-72685	Widener/GR
	Plan filed 8/12 #8		

Gifford	JAMES L. WYATT SR	05-71624	Widener/S
	Amended <b>Chapter 12</b> Plan filed 7/20; # 24, 25 , <i>cont from 9/7, 9/21</i>		
	<b>Obj:</b> Citifinancial Mortgage Co (Bierman) filed 7/25; # 26, 27, <i>cont from 9/7, 9/21</i>		
	Trustee Report and Show Cause filed 8/30 #30, <i>cont from 9/7, 9/21</i>		

**ABG 10/19 WFS**

**1:00 P. M. - CONFIRMATIONS**

Black	SELDON FRENCH	05-72626	Widener/S
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Plan filed 7/25 #8

**2<sup>nd</sup> Amended Plan filed 9/28 #32 scheduled for hearing on 11/9 @1:00**

Trustee Report and Show Cause filed 8/26 #24

**OBJ:** IRS (Eckert) filed 8/18 #20

Debtor Objection to Claim of IRS filed 8/16 #17,18

Response filed 9/15 #25 (Genis)

*10/17 - Black contacted chambers to advise that a Motion and proposed consent OTBT to continue to 11/9 @with confirmation*

Gifford      ROBERT & SHIRLEY EANES      05-72720      Widener/S

Plan filed 7/15; #2

*Amended Plan filed 9/23 #11 and scheduled for conf on 11/9@1:00PM*

**OBJ:** Systems & Services Technologies, Inc. filed 9/28 #14 (T. Neyhart)

Gifford      CARTER THOMAS      05-72653      Widener/SJ

Plan filed 7/11 #4,5 & 1<sup>st</sup> amended plan filed 9/14 #17 *with cert of service, cont from 10/18*

**OBJ:** Green Tree Servicing LLC filed 8/5 #12 (Bierman)

**ABG 10/19 WFS**

**1:00 P. M. - CONFIRMATIONS**

Lamie      CHARLES & DEBRA CORSO      05-72043      Widener/JJ

Amended Plan filed 8/31 #28, 31

Trustee Report & Showcause: Dismiss/convert, filed 7/26; # 22 *cont from 8/17*

Lamie      DAVID AND KIMBERLY PALMER      05-71653      Widener/SJ

Amended Plan filed 8/31 #33,34,35

**OBJ:** filed 8/2 #23 (USA/IRS (Eckert) *cont from 8/17*

**OBJ:** filed 9/15, #44 by USA/IRS (Eckert)

Trustee's Report and Show Cause filed 7/28 #21, *cont from 8/17*

Obj to Claim #11: Select Portfolio Servicing/National Credit Financial

Services in amt of \$5910.23 for arrearages filed 7/11; # 10, *cont from 8/17 and renoticed to this date*

Hutchinson	HENRIETTA LONG Amended Plan filed 8/5 #9,10	05-72724	Widener/S
Fleenor	LARRY SCARDO 2 <sup>nd</sup> Amended Plan filed 9/1 #18 Trustee Report and Show cause on Dismissal or Conversion filed 8/26 #17, <i>cont from 10/5</i>	05-71762	Widener/SL
Fleenor	HARRY & MARILYN ANDERSON Plan filed 7/22; # 4, 7 Trustee report and Show Cause filed 8/25 #10	05-72770	Widener/LM
Farthing	HOWARD AND PATRICIA HIBBS 1 <sup>st</sup> Amended Plan filed 8/29 #12, 14	05-71952	Widener/SJ
Largen	SARA COMBS Amended Plan filed 9/1 #22,23 ( <i>conf cont from 8/17</i> )	05-71749	Widener/JJ

**ABG 10/19 WFS**

**1:00 P. M. - CONFIRMATIONS**

Largen	DAVID COMBS Plan filed 7/6 #4,6	05-72601	Widener/JM
Largen	STACY LEFTWICH Amended Plan filed 8/31 #36, 37, <i>cont from 10/19</i>	04-03144	Widener/JJ
Timoney	CATHY BLAIR Plan filed 7/26 #3, #8 Valuation: Green Tree Servicing filed 9/6 #11	05-72823	Widener/S
Hendricks	TERRY LEE & TERESA ARLENE TAYLOR	05-72240	Widener/JJ



Motion for Relief from Stay filed 9/19, #14, 16 by Vanderbilt Mortgage and Finance, Inc. (Maxwell)

Lamie                      GREGORY MULLINS    05-71697    Widener/NS  
Plan filed 5/26; # 16, *cont from 8/17, and 9/21*  
Trustee Report and show cause filed 8/11 #18, *cont from 8/17, and 9/21*

Farthing                      RODNEY & LYNN PATTON    05-71573    Widener/LM  
Plan filed 4/22; # 3, 6, *cont from 8/17 and 9/21*  
Trustee Report & Showcause filed 7/18; # 12, *cont from 8/17, and 9/21*  
  
Valuation: BB&T filed 8/12 #14 (*Recused to Judge Krumm*)  
***Order granting motion entered 9/23 #28***  
Valuation: First Citizens Bank filed 8/12 #13, *cont from 9/21*  
*Amended ntc filed 9/22 #23*  
Valuation: Wachovia Bank, NA filed 8/12 #15, *cont from 9/21*  
*Amended ntc filed 9/22 #25*

Hutchinson                      GREGORY JACOBS    05-72546    Widener/jj  
Plan filed 7/1 #4,7

**ABG 10/19 WFS**

**1:00 P. M. - CONFIRMATIONS**

Carmody                      GEORGE RICHARDSON    05-72184    Widener/GR  
Plan filed 6/14; #9, *cont from 8/3 and 9/21*  
**OBJ:** to Plan filed 7/8 #14 by Citizens Auto Finance, Inc. (Fogleman), *cont from 9/21*  
***Ord entered 9/23 withdraws Citizens Auto objection to confirmation***  
  
Valuation: 2003 Chev. Truck : Citizens Bank filed 6/16; # 12, *cont from 9/21*  
**Response** filed 7/8 by Citizens Auto Finance, Inc. On 7/8 #15 (Fogleman) *cont from 9/21*

Sutherland                      ANTHONY AND STACEY MILLER    05-70743    Widener/JJ  
(*Converted to ch 13 on 7/12/05*)

Plan filed 9/9 #31 and 33, *cont from 9/21*  
Trustee Report and Show cause filed 8/26 #29, *cont from 9/21*

**1:30 P. M - MISCELLANEOUS**

Sutherland      ANTHONY AND STACEY MILLER      05-70743      Widener/JJ  
(Goldstein)      Motion for Relief filed 9/27 #42,44,46 filed by Wells Fargo Financial  
*See also confirmation at 1:00 PM above*

**ABG 10/19 WFS**

**1:30 P. M - MISCELLANEOUS**

Timoney      ELLIS BURTON AND TRACI LEONARD      03-02484      Widener/GR  
Motion for Leave to Receive and Spend Insurance Proceeds filed 10/4, #61  
**OBJ:** filed 10/7 #62 by EMC Mortgage Corp (Sasser)

Money      WILLIAM SHULER      03-03599      Widener/NS  
Debtor Motion to Sell Free and Clear of Liens filed 10/6 #84

**2:00 P. M - MISCELLANEOUS**

Hutchinson      BRIAN AND HEATHER MCQUEEN      04-02295      Widener/NS  
Trustee Motion to Dismiss case filed 9/26 #25

Jessee J	PAUL LAMPKIN	01-03805	Widener/JM
	Trustee Motion to Dismiss or Convert case filed 9/26 #38		

**2:30 P. M. - TRIAL**

Farthing	JIMMY & EDITH MORRISON	7-04-02345	Widener/JJ
	A/P 7-04-00097: Recover money or property		
	Debtors v. Service Link L.P.(Shortridge/local counsel for defendant atty		
	Paul Campsen, Kauffman & Kanoles, Norfolk; answer # 4)		
	<i>P/T ord of 6/24 schedules TRIAL for this date</i>		
	<i>9/6 Letter from debtor's counsel advising that parties to tender order settling</i>		
	<i>this matter; order resolving not tendered as of 10/17</i>		